

FILED

IN THE DISTRICT COURT OF THE UNITED STATES FEB 22 2007
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

MICHAEL BAILEY

CR. NO. 3:07CR32-WKW

[21 USC 841(a)(1);

18 USC 924(c)(1)(A)(i)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about January 6, 2005, in Lanett, Alabama, in the Middle District of Alabama, the defendant,

MICHAEL BAILEY,

did knowingly and intentionally possess with intent to distribute 5 grams or more of cocaine base, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 2

On or about January 6, 2005, in Lanett, Alabama, in the Middle District of Alabama, the defendant,

MICHAEL BAILEY,

did knowingly use and carry, during and in relation to, and possess in furtherance of, a drug trafficking offense, namely possession with intent to distribute cocaine base as charged in Count 1 of the Indictment, a drug trafficking crime prosecutable in a Court of the United States, a firearm, to-wit: an Iver Johnson, .38 caliber revolver, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

FORFEITURE ALLEGATION

A. Counts 1 and 2 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 924(c)(1)(A), as alleged in Count 2 of this indictment, the defendant,

MICHAEL BAILEY,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

an Iver Johnson, .38 caliber revolver.

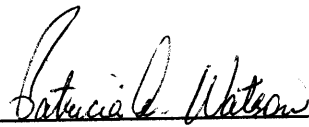
C. If any of the property described in this forfeiture allegation, as a result of any act an omission of the defendant:

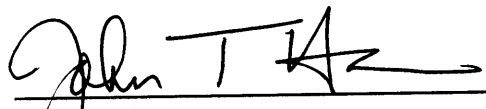
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without

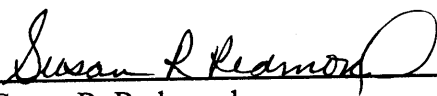
difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an Order of this Court forfeiting any other property of said defendant up to the value of the property described in paragraphs B above, all in violation of Title 18, United States Code, Section 924(c).

A TRUE BILL:


Foreperson


for LEURA G. CANARY
UNITED STATES ATTORNEY


John T. Harmon
Assistant United States Attorney


Susan R. Redmond
Assistant United States Attorney